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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DI PIERRO

Application No.: 09/781,301

Group Art Unit: 1651

Filed: February 13, 2001

Examiner: M. Flood

For: COSMETIC COMPOSITIONS HAVING
RETARDING ACTION ON THE
REGROWTH OF SUPERFLUOUS HAIR

Attorney Docket No.: 7914-073-999

**PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. § 1.137(b)
DUE TO UNINTENTIONAL ABANDONMENT**

Box DAC
Attn: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

06/20/2003 CKHLOK 00000014 161150 09781301

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Sir:

Applicant hereby petitions for revival of the above-identified application, which became unintentionally abandoned on March 18, 2002, due to a mistakenly filed Request for Continued Examination filed in response to a pending Office Action dated September 18, 2001.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

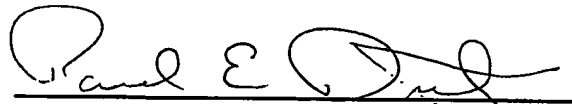
On March 18, 2002, which was also six months after the Office Action was issued by the United States Patent and Trademark Office ("USPTO"), a Request for Continued Examination ("RCE") was filed, along with provision for the required fees. Rather than filing a RCE, a Continuation application or a Continuation-in-Part application should have been filed, as prosecution on the merits was not closed according to 37 C.F.R. § 1.114(b). As stated in the Response to Notice of Improper Request for Continued Examination (copy attached), Applicant intended to keep the above-captioned application pending, as evidenced by the filing of an RCE and Applicant's attempts to timely perfect their submissions, once it was discovered that the RCE was mistakenly filed.

Applicant now petitions to revive this unintentionally abandoned application under 37 C.F.R. § 1.137(b) and respectfully request that the petition be granted. Enclosed are copies of a Response to Notice of Improper Request for Continued Examination, a Rule 1.53b Continuation-in-Part Application Transmittal, a Declaration, an information disclosure statement, and a proper Continuation-in-Part application, citing priority to the above-captioned application. *See* M.P.E.P. § 711.03(c)(III)(A) (which states, "[i]n a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application."). It is requested that these submissions be accepted pursuant to this petition.

Please charge the required fee for this petition, estimated to be \$1280.00, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: May 23, 2002



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Attachments